

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1110-05-2021

Naeem Sadiq

Versus

Central Directorate of National Savings

26.7.2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. Mr. Naeem Sadiq through his application dated 29.4.2021 under the Right of Access to Information Act, 2017 read with Article 19A of the Constitution of Islamic Republic of Pakistan, 1973 has sought information/record from the office of the Director General, Central Directorate of National Savings, Islamabad. The detail of the requested information is as under:

1. *“Total number of private security guards deployed by your organization in 370 plus National Saving Branches spread all over Pakistan.*
2. *The current monthly salary of the guards deployed in these branches. (Note: to make it simple you may group the salary, such as 200 guards receive Rs. X, 500 guards receive Rs. Y while 388 guards receive Rs. Z.)*
3. *Daily duty hours of guard such as 8 hour or 12 hours.*
4. *Do the guards work for 30 days a month or they get 4 holidays each month?*
5. *Out of the total number of guards, how many are registered with EOBI. Please provide EOBI registration numbers of those registered with EOBI.*

6. *Out of the total number of guards, how many are registered with Social Security. Please provide Social Security registration numbers of those registered with Social Security.”*

2. Feeling aggrieved for the non-provision of the requested information and record within the stipulated frame of time provided in the Act, the appeal is filed before the Pakistan Information Commission.
3. The Joint Director (PD&M), Focal Person of Right of Access to Information Act, 2017 vide letter dated 7.5.2021 responded as under:

“Under clause 11(1) of the subject Act, only citizen of Islamic Republic of Pakistan make a request and with necessary details as described in Section 11(3) thereof. It is therefore, requested to provide your CNIC number alongwith copy of the same, so that your request could be processed.”

B. PROCEEDINGS.

4. Mr. Muhammad Anwar, Joint Director/designated officer along with Mr. Husain Sardar, A.D and Mr. M. Sultan, A.D (L) represented the respondent organization during the course of hearing of appeal before the Commission on 14.7.2021.
They have adopted the same course as pleaded in the reply, during the arguments.

C. COMMISSION’S VIEW.

5. The appellant has inquired in his application the total number of private security guards deployed by the organization in more than 370 branches of National Saving Centres spread all over Pakistan and information *vis-à-vis* their salaries, duty hours and their registration with EOBI and Social Security. He in the public interest has the right to know whether the rights of the guards employed at the branches of the organization are safeguarded in letter and spirit in the light of the judgement dated 10.3.2021 passed by the Sindh High Court in Constitutional Petition No. D-852 of 2019.

6. The focal person of the organization has barred the information subject to the provision of the CNIC number of the applicant to prove his citizenship. A glance at the application depicts that the applicant has categorically stated that he is citizen of Pakistan and further provided his residential address as well as the cell number at the foot of the application which are sufficient to believe the citizenship for the purpose of sort of information that ought to have been published proactively including uploading over the internet to make it accessible for the public at large without any discrimination whether it is in the access of the citizens or otherwise. Had the applicant asked for any information provision of which could have detrimental or harmful to the interest of the country, the organization would have been justified in the production of the proof of Citizenship.

On the one hand the organization is in sheer violation of the mandatory provision of section 5 of the Act while on the other hand barrier has been erected in the provision of the fundamental right guaranteed under the Constitution of Islamic Republic of Pakistan 1973. The vested and privileged rights of the citizens cannot be withheld, abridged or delayed while using the delaying tactics of beurocratic mind-set.

The Commission after going through the contents and details of the requested information is of the view that the category of information that should have been placed proactively on the website of the organization, the asking for the CNIC would not serve any purpose hence the provision of CNIC in the case in hand is not a prerequisite.

7. The organization in its reply has not claimed any exemption clause for the exclusion of the requested information from the range of public record.
8. Transparency in the working of the government departments is the essence for the enactment of the Act, 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.

D. ORDER.

9. The appeal is allowed. The Joint Director/designated officer is directed to furnish the requested information mentioned in application dated 29.4.2021 at the address of the appellant forthwith, but not later than seven days of the receipt of this order.

The Director General, Central Directorate of National Savings is directed to implement section 5 of the Right of Access to Information Act, 2017 within one month of the receipt of this order under intimation to the Commission.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 26.7.2021

Certified that this order consists of four pages, each page has been read and signed.